

CITY OF BRAWLEY
April 25, 2011

The City Council of the City of Brawley, California met in a Adjourned Regular Meeting at 6:00 PM, Council Chambers, 383 Main Street, Brawley, California, the date, time and place duly established for the holding of said meeting. The City Clerk attests to the posting of the agenda pursuant to G.C. §54954.2.

The meeting was called to order by *Mayor Campbell @ 6:00 PM*

The invocation was offered by *Arturo Pesquiera of Victory Outreach*

The pledge of allegiance to our flag was led by *CM Couchman*

PRESENT: Campbell, Couchman, Kelley, Miranda, Nava
ABSENT: None

APPROVAL OF AGENDA

The agenda was *approved* as submitted. m/s/c Nava/Miranda 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

1. PUBLIC APPEARANCES/COMMENTS

Mayor Campbell mentioned to everyone to please keep the Garcia Family in their prayers for the loss of their son Anthony Garcia.

2. DEPARTMENT REPORTS

Economic Development & Redevelopment Program Coordinator Teresa Santiago announced that she has marketing material for the City that was created with the Chamber and Enterprise Zone.

3. CONSENT AGENDA

The consent agenda was *approved* as followed: m/s/c Miranda/Couchman 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

- a. *Approval* of City Council Minutes for March 1, 2011 and March 22, 2011.
- b. *Approval* of Accounts Payable Register for April 12, 2011.
- c. *Approve* purchase of apparatus exhaust removing system from Air Technology Solutions, Inc. for a total amount of \$26,019.00.
- d. *Approve* city personnel to travel to Dallas, Texas to witness the factory testing of a Combs Hopkins Centrifuge for the Wastewater Treatment Plant.

4. REGULAR BUSINESS

a. CONDUCT IMPASSES HEARING WITH TEAMSTERS LOCAL 542 DISCUSSION AND ACTION BY CITY COUNCIL.

CM Burroughs stated that the Teamsters Local 542 and the City of Brawley have come to an impasse on agreeing to the terms and conditions for the Memorandum of Understanding for the next two fiscal years. The City's best and final offer is No COLA's, no market adjustments in salaries, no merit increases and a two year agreement 2011-2012 and 2012-2013. In accordance with Resolution No. 3161, Employer-Employee Resolution of the City of Brawley, California, Section 13 Resolution of Impasses, both parties have agreed to an impasse procedure a determination by the City Council after hearing on the merits of the dispute. Last year we had several discussions with the Teamsters and memos exchanged on continuing with the MOU. We have settled with both the Police Association and Fire Association which brings us to tonight with Teamsters. The fully burdened cost for 14 positions under the Teamsters Local 542 is approximately \$36,800. This is the cost over all for all merit increases this year is \$200,000 plus; the cost for 2 years is over \$400,000; considering the present FY status of the City in considering fact that City Council have chosen for the least 3 years is to take the general funds reserves so that we did not have furloughs, salary freezes, employees not to pay for retirement and there was a COLA 3 years ago. These are things that other Cities and State have initiated for 2 years; if Council chooses to decide tonight it is for one year only.

Teamsters Representative Ruth Duarte said that she was here tonight in hopes that you will support the City of Brawley employees, member of Teamsters Local Union 542. As you know Teamsters Local Union 542 and City Manager Burroughs agree to come to an impasse. We have attempted to come to some kind of agreement from negotiations but have not done so. On January 2011, I received an opening proposal from the City Manager; the proposal included four items; No COLAS, No market adjustments in salaries, No merit increases and a two year agreement 2011-2012 and 2012-2013. On February 11, 2011, Teamsters met with the City and countered with a proposal requesting the City to increase the health contribution cap by \$300.00 per member and a two-year contract; City's response was they could not and will not be able to afford the increase. On February 14, 2011, we met for the second time; the City maintained its original position; Teamsters then reduced the proposal from \$300.00 cap contribution and a two-year contract; the City countered with a no response and maintained their original proposal. We met again on March 3rd and than on March 23rd, Teamsters withdrew the proposal of the \$200.00 and two year contract; we then proposed for the city to give the merit increase to eligible

employees for FY 2011 and that we would sign a two-year contract; the City maintain their original offer. The employees of this City have bargained in good faith; the City has not. Teamsters and its members understand very clearly these economic times. The City budget is very tight but they also know that whenever the City of Brawley or the County of Imperial raises taxes, utility bills go up or gas increases, they are also affected by a tight budget at home. Furloughs were brought to my attention this morning from a member that had overheard a conversation. City Manager has decided to factor in furloughs to the budget if you support the merit increases tonight. I do not see how merit increases for 10 or 12 eligible employees will affect the budget. City Manager states that the significant issues that the City is facing includes, sales tax, revenues, RDA funding and Utility Users Tax. This is the same dialog that we had last year. These things are in the let us wait and see what happens at the State level stage. There are many nonessential items that the City can do without but would prefer to cut salaries for employees because that may be the easiest thing to do in order to balance a budget. I have no doubt that all employees of the City of Brawley are outstanding and vital to carry out all the tasks that this City needs to do. Departments are under staffed already, so implementing furlough is not the answer. They are all doing a lot more with less; therefore, I hope that you support merit increases and a two-year contract as we proposed.

Mayor Campbell mentioned that times are hard for everybody and we have spent for the last 3 years over a million from reserves to keep everybody and losing money. The question comes to mind if we didn't have the reserves what will we do and at the end of the day. That's the questions you have to ask yourself. The other groups have agreed to hold tight and try to get things together to see where we are at. I understand your position. I know what it means to pay bills and take care of your family. What I'm asking to do is to work with us and try to work through this without looking at furloughs, cut of pay and lay-offs. That's were a lot of Cities are heading and even the IID is looking at laying off. Let's take a look at things and come to a happy median.

CM Kelley stated that it has never been an issue where a City employee did not deserve to be given a merit increase. The way the system works is the first 5 years of employment; satisfactory merit is given a merit increase in those 5 years and that is it; there's not 10,15 or 20 years. Every department in the City and every bargaining unit will need to be an equal distribution. We had some bargaining units that agreed last year and we had 2 that we had to carry over this year. So as I look at it, I seen the numbers that have been presented by staff on the cost to be able to provide merits across the board to all City employees for this coming budget year and I still have questions and I still want finer details on those numbers but the amount that we would have to draw from our reserves in a time that we're going to be able to ride for a little while longer without having to make tougher decisions but I still have to see some more information but I couldn't do it individually for specific bargaining units; would either be across the board or would not be for any at this time; that's my position.

CM Couchman stated that the way he looks at this is a hard decision for us to make but unless we can do the merit increases across the board for all units; I will not be willing to do it for one group or any of the others it doesn't seem fair enough to do it that way. It raises some issues for the future because we have a disparity on the amount of money people will be getting and the same jobs after they been here for 5 years. My view point I want to continue looking at this issue

I don't think that even if we do a 2 year contract I'm willing to revisit this issue in the future and talk about what we can do if our revenues increase, if things happen to make the City budget better over the next year; I think it's very difficult for us to spend \$200,000 plus this year and then over \$400,000 in the next year; realizing that Teamsters has 14 people that will get this merit and other bargaining have quite a few more. Willing to revisit on an ongoing basis and continuing to look at it as **CM Kelley** has stated for additional information and if we do an improvement in the budget I'm certainly willing to revisit this issue. It is a hard decision to make. I've been a public employee for a long time so I understand the ramification of this. Also know we haven't furlough anyone or decreased anybody wages at this point in time and that's a positive from our city side but we are dipping into our reserves and can be a problem for the City.

CM Nava mentioned he didn't want to repeat a lot of what **CM Couchman**, **CM Kelley** and **Mayor Campbell** have stated good points; you could tell where Council is leaning and firmly would like to take a look at. Please understand it's a tough decision for all of us but it's something we carefully consider and we had a lot of information from City Staff.

CM Miranda stated that unfortunately he was one of the employees laid off by the State. We tried to ask our union representative to help us to get an increase and guess what, there were 1,500 layoffs. So bear with us take care of your jobs and if something comes up we will revisit but right now we just can't afford it.

Mayor Campbell mentioned that probably we still need to go into the reserves to keep everybody in, without furloughing and without anybody losing pay.

CM Burroughs stated that there might be members of the union or other parties that would like to speak; just to refresh your memory Parks & Recreation also have Teamsters and not just Public Works.

Mayor Campbell asked **Mrs. Duarte** if anyone wished to speak to come forward.

CM Burroughs advised Council that they need to make a motion and I will defer this to **CA Morita** but it will basically be a motion that you determine whatever that determination may be and again if it is for the position I represent the City and it is only for a one year agreement.

CA Morita stated that the rules that contemplate that once you get to this point as the Council that resolves the impasse; I believe you all seen the slides which kind of stake out the parties respective position and if indeed it's your intention to approve the position of the Employer Relations Manager that you could make a motion to that effect but rather than a 2 year arrangement it will be a one year arrangement.

CM Couchman asked **CA Morita** if a one year arrangement I think we have a 2 year arrangement with all the other bargaining units. Is that not correct? Or do we have a pending 2 year with at least one and with a couple of them we have resolved to a 2 year agreement. How does that impact to those 2 year agreement by doing one year agreement. Does that open it up for bargaining at the one year time frame? Answer: in term of the Police Unions; No, it doesn't open

back up. In terms to Management, Confidential & Unrepresented that's frankly at our discretion because they are unrepresented. For the Fire Union again they agreed, however we haven't signed an MOU. They agreed they are going to sign it and It's just cleaning it up so we don't have a bunch of these memos; so that we have a firm MOU like we did with the 2 Police Unions. Even though it's not signed, we have a concurrence and that was for 2 years. So we will not open that back up. So in reality Teamsters will be open in another year and to be frank if our situation were to worsen it could totally be a different agreement.

CM Couchman stated that's correct but if our situation was to get better might be a totally differed agreement.

CM Kelley asked if we can just possibility stay with what the current status is and not talk about worse case.

Mayor Campbell mentioned that before we move forward this room is full of employees and I want to tell you that our position as elected officials here is to keep you guys whole and not hurt anybody. Believe me if things get better because things get better we're going to do everything in our power to make everybody better. Right now is tough to honor any kind of raises, you can't keep taking money that's going to put you in a bad situation and that's what it is. I served with Mr. Benson a few years and one thing he taught me is that we can't print money. Let's stick together and try to get these things right.

Mayor Campbell do we have a motion to agree with the City position for a one year agreement with the impasse to come back after the first year for the Teamsters.

The council **motioned** that we follow staff recommendation with no merit increases, no COLAs, no market adjustments and salary and the impasse agreement for one year. m/s/c Nava/Kelley 5-0

AYES:	Campbell, Couchman, Kelley, Miranda, Nava
NAYES:	None
ABSENT:	None
ABSTAIN:	None

CM Kelley mentioned he wanted to make a comment and open it up for discussion.

Mayor Campbell agreed.

CM Kelley indicated as **CM Nava** mentioned if there's a will or a way that we're able to do this I'm looking and I will be talking to staff then I'll champion for it, but the way the numbers are reading right now it's not something we can do. If it changes it's something we can agree upon then I'll definitely bring it back for every employee that is eligible for a merit.

Mayor Campbell mentioned there was a motion and a second before with a 5-0 vote and all in favor.

The council ***motioned*** that we follow staff recommendation with no merit increases, no COLAs, no market adjustments and salary and the impasse agreement for one year. m/s/c Nava/Kelley 4-1 Miranda no

AYES: Campbell, Couchman, Kelley, Nava
NAYES: Miranda
ABSENT: None
ABSTAIN: None

b. PRESENTATION, DISCUSSION AND ADOPTION OF CITY MANGER'S FY 2012 RECOMMENDED BUDGET.

CM Burroughs stated per our City code I am bringing to you a recommended balanced budget presentation. Although, it reads that you could adopt budget tonight but obviously I don't expect that. I would assume over the next few meetings which we are schedule for every week for budget discussion that you would please submit to me any particularly questions that you have that aren't answered tonight in terms you would want us to look at; then I can respond to all Council members with those details and answers to your particular questions. Again, the intend tonight is to go through some key elements of the budget; as soon as you have time to review it ask questions or email questions to me and adjustments can be made. This is a difficult process, taken the best projected efforts and I applaud staff.

FD Walla presented a Power Point Presentation

Mayor Campbell stated he thinks it takes 7 years for water funds to be whole again? ***Answer:*** I think 4-5 years but 7 years due to refinancing. (***CM Burroughs***).

CM Kelley I see expenditures on the RDA we have the Fire Station at \$2.5 million, expected expenditures or current expenditures at \$4 million, where's the other \$1.5 million? ***Answer:*** That includes salaries and the Chamber, IVEDC and all other agencies. (***Walla***)

CM Burroughs mentioned that it's for staff at 50% which includes graffiti abatement, additional prison crew of \$110,000 and other agencies we support. (***Burroughs***)

CM Nava asked when you consider just the general fund reserves we're looking at the FY 2007 the beginning balance was \$8.2 million and now it's at \$1.8 million so we're eating that every year so we have to reverse something.

CM Kelley stated that something is not reflected on this, there was a loan taken out from future CRA proceeds at \$5 million part of an infrastructure for the Administrative Building and some for street improvements.

CM Burroughs indicated that some of the funding from the CRA has kept whole if the State had not taken it from us, certainly the last 2-3 years we wouldn't have approached the funds very much at all.

CM Nava stated that the proposed budget this year is at least some reflection and it's minimizing and that is a good sign.

CM Miranda stated that it's a very important point because there is a lot of folks out there in the community that are not aware of that and I hate to be accused of just spending the reserve funds.

CM Couchman stated he had some questions: 1) On employee changes you talked about FY 2012 does the 160 authorized full time positions does this include the staffing of the new Fire Station? **Answer:** Yes, but understand that we're staffing that with call-paid firefighters but that there will be more money spent on call-paid. (**Burroughs**)

CM Couchman asked if that reflected on the new budget for the call-paid this FY and is there going to be more? **Answer:** It is but it's very minor because it's a 2-3 month operation and yes the following year. (**Burroughs**)

CM Couchman asked if the Fire Department was currently fully staffed. **Answer:** Yes, but there are only 3 to 6 on call-paid. (**Burroughs**)

CM Kelley stated that internationally if you go by insurance organization or City Manager organization the staffing compare to criteria is not fully staffed but budget wise yes we are fully staffed, there are 25 call paid positions and when the second Fire Station opens there will be one call paid stationed on Main Street and one at the new Fire Station on Jones with two full times and that's the way we are going to have to operate unless we get a grant or some kind of a gold rush.

CM Couchman asked about the Graffiti Abatement part-time employee is that currently funded by the general fund? **Answer:** Yes, but with no benefits and that will be moved to CRA funds. (**Burroughs**)

CM Couchman stated you mentioned you are proposing to move it to CRA funds at 100%? **Answer:** Yes. (**Burroughs**)

Brawley Chamber of Commerce Executive Director Ron Hull stated that actually he had not had the opportunity to review this in depth, so this is deeply a surprise on the numbers that have come forward. Certainly I understand the difficult situation that you are in as a City and as the Council makes these budget recommendations I appreciate the opportunity to bring forward some presentations and also things that we have done most obvious is the staff reduction we have cut back and are down to two staff members, we understand that a 66% cut from last year to this year is a big chunk out of our funding so we will bring back some recommendations.

Mayor Campbell stated to **Mr. Hall** believes me and we realize that the City of Brawley needs to change.

CM Kelley stated that in November or early December a budget presentation stated that the reserves were able to sustain 3 years, in the fall of 2008 we were given the same information that

we had 3 years, so what happened in December? I know some of it was sales tax revenue or was it because of CRA decline.

CM Burroughs stated sustainlly we are using but that's dropping because we're using \$1 million a year.

FD Walla said that she just wrapped up the audit for March so those numbers are from audits, projections and hopefully we don't surplus.

Mayor Campbell indicated that if we keep on using the reserves we'll end up broke.

c. DISCUSSION OF FY 2011 BALLOT MEASURES.

CM Burroughs stated that in discussion with **Mr. Hall** they're looking at May 2nd although **Mr. Hall** hasn't decided on the venue for the Utility Users Tax Meeting. The City Clerk is looking into setting up two at different locations possibly one at the Lion's Center. The City Clerk sent out a list of all the organizations with tentative dates.

Mayor Campbell stated that he responded to it and will get with the City Clerk.

CM Kelley stated that he did ask to have the list available for tonight so we can figure out who is going where. We did verbally express that we wanted to have it here so we can fill our names in and know who is going where.

RECESSES @ 7:10 PM

RECONVENED @ 7:20 PM

CM Burroughs stated that another thing that needs to go on the ballot measures is the business licenses which CA Morita is still working on. We have most of the presentations for the Utility Users Tax prepared.

CM Couchman stated that on some organizations we could probably just hand out flyers.

CM Nava stated we can have the **City Clerk** mail flyers to clubs and organizations.

5. COUNCIL MEMBER REPORTS

- a. **CM Couchman** said he attended personal events his son graduated from basic training in North Carolina and has a new granddaughter.
- b. **CM Miranda** mentioned that he has been with the family of Anthony Garcia and that the services will be held next week not sure on locations yet.

- c. **CM Nava** said he met with the Film Commission, they are staging their 1st Annual Film Fest coming up in May and there was a photo shoot in Bombay Beach with Playboy.
- d. **Mayor Campbell** stated that he had a nice and blessed Easter.

6. CITY MANAGER REPORT

- a. **CM Burroughs** advised the Council that if they were going to Legislative Days please let the City Clerk know as soon as possible. We will meet with State Lobbyist Bill Dohoring and he wants to know if there is someone else you would like to meet with so he can setup meetings.

7. ADJOURNED TO CLOSED SESSION

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY.

None to report

ADJOURNMENT @ 7:45 PM

Lorena Savala